

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER INTELLECTUAL PROPERTY)
GMBH and BAYER PHARMA AG,)
)
Plaintiffs,)
)
v.) C.A. No. 12-1032-GMS
)
WARNER CHILCOTT COMPANY, LLC,)
WARNER CHILCOTT (US), LLC, and)
WARNER CHILCOTT PLC,)
)
Defendants.)

STATUS REPORT AND STIPULATED ORDER

WHEREAS, the Court conducted a teleconference on October 31, 2014 to address Warner Chilcott's request for leave to brief a motion for summary judgment of indefiniteness in light of the Court's claim construction decision;

WHEREAS, the Court directed counsel to discuss whether to proceed with summary judgment briefing or whether plaintiffs instead will stipulate to the entry of judgment in order to permit immediate appellate review of the Court's claim construction decision;

WHEREAS, the Court further directed the parties to report back in the form of a stipulation by November 14, 2014 as to the progress of their discussions;

WHEREAS, the parties are in the process of attempting to reach agreement on the terms of a stipulated judgment, and would appreciate an additional week within which to either agree upon a form of judgment, or if they are unable to do so, to submit a proposed summary judgment briefing schedule for the Court's consideration; and

WHEREAS, the parties further propose to suspend the remaining deadlines for expert reports and discovery, the next of which is the November 21, 2014 rebuttal report deadline (D.I. 79); now therefore,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, as follows:

1. By November 21, 2014, the parties either shall file a stipulated form of judgment or a stipulated summary judgment briefing schedule for the Court's consideration;
2. The remaining deadlines for service of expert reports and the completion of expert discovery (D.I. 79) are suspended pending further order of the Court.

BAYARD, P.A.

/s/ Richard D. Kirk

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Attorneys for Defendants

SO ORDERED, this _____ day of _____ 2014.

United States District Judge